



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,563	08/30/2001	Takao Miyazaki	0879-0347P	6146

2292 7590 11/23/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ZHONG, CHAD

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/941,563	MIYAZAKI ET AL.	
Examiner	Art Unit	
Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

OFFICE ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/19/2005 has been entered.

Applicant's remarks filed 09/19/2005 have been considered but are found not persuasive.

2. Claims 1-16 are presented for examination. In amendment, filed on 09/19/2005.

Claims 1-2, 4-6, 8, 10, and 12-13 are currently amended.

Claims 3, 7, 9, and 11 are previously presented.

Claims 14-16 are new.

3. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

4. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2152

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5, 7, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho et al. (hereinafter Donoho), US 6,801,929, in view of Focsancanu et al. (hereinafter Focsaneanu), US 5,991,292.

7. As per claim 1, Donoho teaches an informing system for providing information through a local area network having a plurality of devices, the informing system comprising:

a communication device that communicates at least with the plurality of devices within the local area network (Fig 6, item 60, 65, 67, the client machine).

a properties file producing device (Fig 5, item 50, wherein the directory directly or indirectly produces the advisory file) that produces a properties file (Col. 13, lines 45-53) showing settings (Col. 23, lines 27-57, a sample of the advisory file) related to at least one of the following:

whether or not an informing job has priority over other informing jobs, whether the informing job will be performed automatically or manually (Col. 15, lines 1-15, wherein the SDF files contains a schedule for synchronization, which is done manually or automatically), a range of the informing job (Col. 8, lines 55-67, wherein the job is performed automatically; Col. 14, lines 25-55, wherein the range of jobs are types of advisories sent out);

wherein when information is received at the communication device, a determination is made on how to provide the received information based on settings included in the properties file (Col. 23, lines 27-57; Col. 16, lines 1-15);

an informing device that provides the received information according to the determination made based on the settings in the properties file produced by the properties file producing device (Col. 16, lines 10-15; Col. 23, lines 27-57).

Art Unit: 2152

Donoho does not explicitly teach which of the plurality of devices on the local area network will perform the informing job.

However, Focsancanu teaches which device on the network will perform the informing job, Col. 15, lines 33-50, in order to avoid communication device failure.

It would have been obvious to one of ordinary skill in this art at the time of invention was made to incorporate Focsancanu with Donoho because the combination would improve the functionality for Donoho's system by allowing the user to specify in the user profile which device will act as the informing device.

8. As per claim 3, Donoho teaches the informing system as defined in claim 1, wherein the local area network is a home network in a home (Col. 5, lines 40-45).

9. As per claim 5, Donoho teaches a server that stores the properties file produced by the properties file producing device (Col. 102, lines 1-25, wherein the servers here are the advise provider sites), the remainder of claim 5 is rejected for the same reasons as rejection to claim 1 above.

10. As per claim 7, the claim is rejected for the same reasons as rejection to claims 3 above.

11. As per claim 13, the claim is rejected for the same reasons as rejection to claim 1 above.

12. As per claim 14, Donoho teaches automatically transferring the information to a printing device for printing (Col. 26, lines 59-60; Col. 37, lines 30-40).

13. As per claim 15, the claim is rejected for the same reasons as rejection to claim 2 above.

14. As per claim 16, Donoho teaches the method of claim 13, wherein whether or not an informing job has priority over other informing jobs (Col. 43, lines 45-63) further includes establishing a communication channel between a device storing the properties file (Fig 5, item 50) and another of the

plurality of devices (item 60, 65, and 67, Fig 6) on the local area network based on the setting in the properties file (Col. 23, lines 27-57).

12. Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho, in view of in view of Focsancanu, further in view of Stumer, US 2002/0064271.

13. As per claim 2, Donoho and Focsancanu discloses the invention substantially as claimed as described in claim 1 above, but do not explicitly teach informing device for turning on a device if the device property file shows that the job from the informing device has higher property.

However, in the same field of endeavor, Stumer teaches an embodiment of NRCR system for optimization ([0027]), which is capable of turning on i.e. wake up, a device in a network; based on priority ([0049]).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate such capability as taught in Stumer with Donoho – Focsancanu in order to optimize efficiency of Donoho – Focsancanu system as suggested (Stumer, [0002]).

14. As per claims 4, 6 and 8, the claims are rejected for the same reasons as rejection to claim 2 above.

15. Claims 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho, in view of Focsancanu, further in view of Kang, US 2003/0074450.

16. As per claim 9, Donoho and Focsancanu discloses the invention substantially as claimed as described in claim 5 above, but do not explicitly teach server is one of a refrigerator and a telephone that can transmit and receive information through the local area network.

However, in the same field of endeavor, Kang teaches a home network system comprising a

Art Unit: 2152

plurality of home appliances ([0024]), which are capable of transmitting signals with each other so that one or more of the devices can control the other devices ([0024]).

It would have been obvious to one of ordinary skill in this art at the time of invention was made to incorporate Kang with Donoho - Focsancanu because combination would improve the functionality for Donoho and Focsancanu's system by monitoring and control status of devices within a home network comprising of various appliances (Kang, [0024], [0010-0012]).

17. As per claim 11, the claim is rejected for the same reasons as rejection to claim 3 above.

18. Claims 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho, in view of Focsancanu, in view of Kang, further in view of Stumer.

19. As per claims 10 and 12, the claims are rejected for the same reasons as rejection to claim 2 above.

Response to Arguments

20. In the remark, the Applicant argued in substance that there is no teaching or suggestion in Donoho that is directed to a properties file producing device that produces a properties file, when information is received at the communication device, a determination is made on how to provide the received information based on the settings included in the properties file.

In response to Applicant's amendments, Donoho discloses the newly added limitation. Specifically, Donoho teaches the properties file in the form of advisory file, the advisory file itself has plurality of settings, see Col. 23, lines 27-57 for example. The determination is done at least by the 'advice reader', wherein the advisories are gathered, interpreted and presented to the end user. Therefore, Donoho teaches this limitation.

Art Unit: 2152

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "INFORMING SYSTEM AND METHOD".

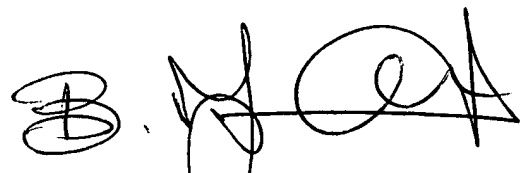
- i. US 5257387 Richek et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
October 5, 2005



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER